

FD-488 (Rev. 12-06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 OF THE DISTRICT OF NEW JERSEY

ZEFFIE SURGICK,
 CORDELIA JOHNSON,
 PLAINTIFF(S)

SUBPOENA IN A CIVIL CASE

v.

Case Number:¹

ACQUANETTA CIRELLA,
 ROSE SURGICK,

TO: K. HOVNANIAN ENTERPRISES, INC.

K. HOVNANIAN ENTERPRISES, INC. C/O A. CIRELLA

DEFENDANTS.

[IN THE MATTER OF THE ESTATE OF]

TO-K. HOVNANIAN ENTER. C/O A. CIRELLA JAMES LESLIE SURGICK (DECEASED)

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6)

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 43, Fed. R. Rules of Civil Procedure, Subpoenas (e), (d), and (c) on last page.)

Please print or type legibly. Indicate whether the subpoena is served on a party or non-party.

AOSS (Rev. 1-1-06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:
 (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling, etc., within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises -- or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena

may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On motion by a party, the court by which a subpoena was issued shall quash or modify the subpoena if:

(i) it fails to allow a reasonable time for compliance;

(ii) it requires a person who is not a party or an officer of a party to travel to a place not reasonably proximate to the place where that person resides, is employed or regularly conducts business, except that, if subject to the provisions of clause (i) of (B)(3)(a) of this rule, such a person may be ordered to travel from any such place within the time specified in this rule;

(iii) it requires disclosure of discoverable or other protected matter and no exception or waiver applies; or

(iv) it subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of trade secrets or other confidential research, development, or commercial information;

(ii) requires disclosure of an unpatented expert's opinion or information not describing specific acts or omissions in dispute and resulting from the expert's study made in the ordinary course of the expert's business;

(iii) requires disclosure of information that is a part of a person's or entity's internal communications or files, or

to or affected by the subpoena, quash or modify the subpoena if: (1) the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the claimed information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTAMIN. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate excuse may be found by the court when a subpoena is not obeyed because the person is attending a proceeding in a foreign or state court, or because the person is unable to produce or to compel production of the information requested because of the unavailability of the person or the information.

US-2008 (Rev. 12-06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

ZEFFIE NETIA SURGICK,
CORDELIA JOHNSON, (PLAINTIFF(S))

SUBPOENA IN A CIVIL CASE

ACQUANETTA CIRELLA,
ROSE SURGICK,

Case Number: ¹

K. HOVNANIAN ENTERPRISES (DEFENDANT(S))

TO: K. HOVNANIAN ENTERPRISE, INC. C/O A. CIRELLA
K. HOVNANIAN ENTERPRISES

[IN THE MATTER OF THE ESTATE OF]
JAMES LESLIE SURGICK (DECEASED)

☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
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(See Rule 17(c) Fed. Rules of Civil Procedure, Subpoena (c)(1)(B) and (2) on next page)

ACROSS (REV. 12/06) Subpoena in Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure: Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENA

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises, or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that a subpoena to the person is not subject to clause (i)(3)(B) if this rule, such expense may be ordered or agreed that be commanded to travel from any such place within the 100-mile radius; or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an expert's study, opinion, or information not otherwise available by the parties or witnesses in dispute and resulting from the expert's study made in reliance on any party;

(3) (C) If a subpoena requires a person to produce or disclose information that is not in the person's possession, custody, or control, the court may, on proper showing, direct

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claimant shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued. A court may order a person to be held in contempt if the person fails to comply with a subpoena to produce or disclose information that is in the person's possession, custody, or control.

U.S. District Court
 Case No. 09-03807
 Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY

ZEFFIE SURGICK,
CORDELIA JOHNSON, (PLAINTIFF(S)) **SUBPOENA IN A CIVIL CASE**

V.

ACQUANETTA CIRELLA,
ROSE SURGICK,
K. HOVNANIAN ENTERPRISES (DEFENDANT(S))

Case Number: 1

K. HOVNANIAN ENTERPRISES, INC. C/O A. CIRELLA
TO: ROSE SURGICK **[IN THE MATTER OF THE ESTATE OF]**
JAMES LESLIE SURGICK (DECEASED)

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

This subpoena is served on you by the undersigned, and you are hereby notified that your failure to appear may result in the entry of a judgment against you.

This subpoena is served on you by the undersigned, and you are hereby notified that your failure to appear may result in the entry of a judgment against you.

DATE:

PLATE

SERVED

STRAPLON (PRINT NAME)

MANNER OF SERVICE.

SYSTEM BY PRINT NAME

1171.

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006

EVALUATION OF PERSONS SUBJECT TO SIBBENS.

(c) A party or attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(7) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(d) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises -- or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(4) Any decision not to file the country by which a subpoena was issued shall quash or modify the subpoena(s).

...to allow reasonable time for compliance.

and requires a person who is not a party or an officer of a party to travel to a place not a party office has from the place where that person resides, is employed or regularly maintains a place of business within any of the provisions of clause 16(1)(b) of this rule, such person may, in order to avoid that he be commanded to travel from any such place within the State, in which the trial is held

(c) except for disclosure of privileged or other protected matter and no exception of any kind applies;

1. A subject's α is 0.05 or smaller, and he is included in the

183011 *Intelligence* 1990, 10, 1, 1-10

(b) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(c) requires disclosure of the unclaimed expert's opinion or information not disclosed by the experts or witnesses in dispute and resulting from the expert's study made in the course of proceedings.

(iii) $\lim_{n \rightarrow \infty} \frac{1}{n} \log \frac{1}{\mathbb{P}_n(\mathcal{A}_n)} = 0$ and $\lim_{n \rightarrow \infty} \frac{1}{n} \log \frac{1}{\mathbb{P}_n(\mathcal{B}_n)} = 0$ if and only if $\lim_{n \rightarrow \infty} \frac{1}{n} \log \frac{1}{\mathbb{P}_n(\mathcal{C}_n)} = 0$ and $\lim_{n \rightarrow \infty} \frac{1}{n} \log \frac{1}{\mathbb{P}_n(\mathcal{D}_n)} = 0$.

to or affected by the subpoena, quash or modify the subpoena or, if the party, in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(1)(C). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, any party that promptly returns, requests, or destroys the specified information and any copies of it may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONFIDENTIAL: In the case of any person without adequate experience in a subpoenaed service upon that person may be deemed a contempt of the court, even when the subpoena is valid. An adequate experience is not necessary only when a person is subpoenaed to appear in court to testify or produce documents, but not when the person is subpoenaed to appear in court to testify or produce documents.

AOSS (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF **NEW JERSEY**

ZEFFIE SURGICK,
 CORDELIA JOHNSON (PLAINTIFF(S))

SUBPOENA IN A CIVIL CASE

ACQUANETTA CIRELLA,
 ROSE SURGICK,

Case Number: ¹

K. HOVNANIAN ENTERPRISES (DEFENDANT(S))

TO: K. HOVNANIAN ENTERPRISES, INC. C/O A. CIRELLA
 ACQUANETTA CIRELLA

[IN THE MATTER OF THE ESTATE]
 Of James Leslie Surgick (DECEASED)

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

See Rule 13, Federal Rules of Civil Procedure, Subpoenas (c), (d), and (e), on next page.

U.S. District Court for the District of New Jersey, Newark, New Jersey

Case 1:09-cv-03807-NLH-KMW Document 1-7 Filed 07/31/09 Page 8 of 16 PageID: 45

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises – or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow a reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly conducts business in person, except that a subject to the protection of this rule or (b)(3)(B) of this rule, such a person may, in order to attend and be commanded to travel from any such place within the state in which the claim is filed;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) unduly burdens a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unpublished expert's opinion or information not disclosed in any previous testimony in dispute, and resulting from the expert's study made available to the expert by a party;

(iii) requires disclosure of any confidential or otherwise privileged information; or

to or affected by the subpoena, quash or modify the subpoena or, if the party to whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly, and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After receipt of notice, a party must promptly return, sequester, or destroy the specified information and any copies it has, and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONSEQUENCE. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An attorney whose failure to comply with a subpoena, discovery request, or other pretrial procedure results in a finding of contempt may be held personally liable for costs and attorney's fees incurred by the party to whom the subpoena was served.

UNITED STATES DISTRICT COURT

FOR THE District of NEW JERSEY

ZEFFIE SURGICK,
CORDELIA JOHNSON,
PLAINTIFF(S)

SUMMONS IN A CIVIL CASE

V.

ACQUANETTA CIRELLA,
ROSE SURGICK,
K. HOVNANIAN ENTERPRISES, CASE
DEFENDANT(S).
K. HOVNANIAN ENTERPRISES, INC.
C/O ACQUANETTA CIRELLA
[IN THE MATTER OF THE ESTATE OF]
JAMES LESLIE SURGICK (DECEASED)

TO: (Name and address of Defendant)

ACQUANETTA CIRELLA
341 NORTH 16th STREET
ALLENTOWN, PA. 18102

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ZEFFIE SURGICK - PRO SE
4333 North 27th Ave.
Apt. 102
Phoenix, Az. 85017-4368

CORDELIA JOHNSON - PRO SE
2413 South Cuthbert Drive
Lindenwold, New Jersey 08021

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

By: DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ¹¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service.

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____

Address of Server

¹¹ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

FOR THE District of NEW JERSEY

ZEFFIE SURGICK,
CORDELIA JOHNSON,
PLAINTIFF(S)

SUMMONS IN A CIVIL CASE

V.

ACQUANETTA CIRELLA,
ROSE SURGICK,
K. HOVNANIAN ENTERPRISES, CASE
DEFENDANT(S).

K. HOVNANIAN ENTERPRISES, INC.
C/O ACQUANETTA CIRELLA
[IN THE MATTER OF THE ESTATE]
OF JAMES LESLIE SURGICK (DECEASED)

TO: (Name and address of Defendant)

K. HOVNANIAN ENTERPRISES, INC.
NUMBER 10 HIGHWAY 35
RED BANK, NEW JERSEY 07701

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ZEFFIE SURGICK - PRO SE
4333 North 27th Ave.
Apt. 102
Phoenix, Az. 85017-4368

CORDELIA JOHNSON - PRO SE
2413 South Cuthbert Drive
Lindenwold, N.J. 08021

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

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- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

FOR THE District of NEW JERSEY

ZEFFIE SURGICK,
CORDELIA JOHNSON, (PLAINTIFF(S))

SUMMONS IN A CIVIL CASE

V.

ACQUANETTA CIRELLA,
ROSE SURGICK,
K. HOVNANIAN ENTERPRISES, CASE
(DEFENDANT(S)).
K. HOVNANIAN ENTERPRISES, INC.
C/O ACQUANETTA CIRELLA
[IN THE MATTER OF THE ESTATE]
OF JAMES LESLIE SURGICK (DECEASED)

TO: (Name and address of Defendant)

ROSE SURGICK
341 NORTH 16th STREET
ALLENTOWN, PA. 18102

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ZEFFIE SURGICK - PRO SE
4333 North 27th Ave.
APT. 102
Phoenix, Az. 85017-4368

CORDELIA JOHNSON - PRO SE
2413 South Cuthbert Drive
LINDENWOLD, N.J. 08021

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

By: DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

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☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

FOR THE District of NEW JERSEY

ZEFFIE SURGICK,
CORDELIA JOHNSON,
PLAINTIFF(S)

SUMMONS IN A CIVIL CASE

V.

ACQUANETTA CIRELLA,
ROSE SURGICK,
K. HOVNANIAN ENTERPRISE, INC. CASE
K. HOVNANIAN ENTERPRISES, INC.
C/O ACQUANETTA CIRELLA
DEFENDANT(S).
[IN THE MATTER OF THE ESTATE OF]
JAMES LESLIE SURGICK (DECEASED)

TO: (Name and address of Defendant)

K. HOVNANIAN ENTERPRISES, INC.
C/O ACQUANETTA CIRELLA
341 North 16th Street
ALLENTOWN, PA. 18102

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ZEFFIE SURGICK PRO SE
4333 N. 27th Ave. Apt.
102
Phoenix, Az. 85017

CORDELIA JOHNSON PRO SE
2413 South Cuthbert Drive
Lindenwold, N.J. 08021

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

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DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

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STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

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Executed on _____
Date Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.